

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
EXECUTIVE COMMITTEE
MINUTES OF PUBLIC HEARING**

DATE June 4, 2003
TIME 4:45 P.M.
PLACE CO. OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE IN 47901

MEMBERS PRESENT

Karl Rutherford
Jan Mills
David Williams
Mark Hermodson

MEMBERS ABSENT

Jeff Kessler
Jack Rhoda
James Miller

STAFF PRESENT

James Hawley
Sallie Fahey
Kathy Lind
Jay Seeger, Attorney
Julie Holder

Jan Mills called the meeting to order.

I. APPROVAL OF MINUTES

Mark Hermodson moved to approve the minutes of the May 7, 2003, Executive Committee public hearing as submitted. Karl Rutherford seconded and the motion carried by voice vote.

II. NEW BUSINESS

A. RESOLUTION T-03-02: Review and Approval of the FY '04 Unified Planning Work Program.

Mark Hermodson moved approve Resolution T-03-02. Karl Rutherford seconded the motion.

Sallie Fahey read the staff report with recommendation of approval.

The Committee voted by ballot 4 yes to 0 no to approve **RESOLUTION T-03-02.**

III. PUBLIC HEARING

Mark Hermodson moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance for Tippecanoe County, Indiana are hereby entered by reference into the record of each agenda item. Karl Rutherford seconded and the motion carried by voice vote.

Mark Hermodson moved to continue **S-3290—RED HAWK RIDGE SUBDIVISION (MINOR-SKETCH)** to the August 6, 2003 Executive Committee meeting. Karl Rutherford seconded and the motion carried by voice vote.

A. SUBDIVISIONS

1. S-3319—LAURAMIE ESTATES (MINOR-SKETCH): Petitioner is seeking primary approval for a one lot subdivision on 1.51 acres, located at the northeast corner of US 52 and CR 1075 S, in Lauramie 13 (SW) 21-3.

Mark Hermodson moved to hear and vote on the above-described request. Karl Rutherford seconded the motion.

Sallie Fahey read the staff report with recommendation of conditional primary approval contingent on the following conditions:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved entrance, a "No Vehicular Access" statement shall be platted along the US 52 and CR 1075 S right-of-way lines as shown.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. All required building setbacks shall be platted.

4. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

5. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Nick Starr, Starr Associates, 413 Teal Road, Lafayette, IN, representing the petitioner, concurred with all the conditions and said that he was available to answer questions.

Anna Kennedy, 10219 State Road 28 East, Clarks Hill, IN, asked why this property was being subdivided and not a replat of an area. She asked if this was going to be a large subdivision at some point.

James Hawley stated that the purpose was to divide one piece of land into two pieces that is less than 10 acres.

Anna Kennedy asked if this was going to be a subdivision of houses.

Jan Mills explained that this was simply a division of land.

Anna Kennedy asked what the name "Lauramie Estates" was referring to.

Jan Mills replied that it was referring to just one lot that is being divided into two.

Sallie Fahey stated that it is not creating a subdivision as a development. She explained that it is a one-lot subdivision named Lauramie Estates.

Anna Kennedy asked what the difference between a replat and a subdivision.

Sallie Fahey explained that depended on the size of the land. A replat changes lots that have already been subdivided.

The Committee voted by ballot 4 yes to 0 no for conditional primary approval of **S-3319—LAURAMIE ESTATES (MINOR-SKETCH).**

2. **S-3325—GERMAN MINOR SUBDIVISION (MINOR-SKETCH):** Petitioners are seeking primary approval for a 2-lot subdivision on 4.027 acres, located on the north side of SR 225, just east of CR 300 E, in Tippecanoe 14 (SW) 24-4.

Mark Hermodson moved to hear and vote on the above-described request. Karl Rutherford seconded the motion.

Sallie Fahey read the staff report with recommendation of conditional primary approval contingent on the following conditions:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. A driveway permit from INDOT, or a letter stating no additional driveway permit is required, shall be submitted.
2. Except for the approved entrances, a "No Vehicular Access" statement shall be platted along the SR 225 right-of-way line.
3. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
4. A 10' wide utility easement shall be platted on the north side of SR 225. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
5. All required building setbacks shall be platted.
6. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

7. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and

irrevocable by the lot owners.

Jim Butcher, Ticen Surveying, 10 North 3^d Street, Lafayette, IN, concurred with the conditions and asked for approval.

The Committee voted by ballot 4 yes to 0 no for conditional primary approval of **S-3325—GERMAN MINOR SUBDIVISION (MINOR-SKETCH).**

IV. **APPROVAL OF THE JUNE 18, 2003 APC PUBLIC HEARING AGENDA NEW BUSINESS**

Mark Hermodson moved that the following new business item be placed on the June 18, 2003 Area Plan Commission Public Hearing Agenda.

RESOLUTION T-03-03

Karl Rutherford seconded and the motion was carried by voice vote.

PUBLIC HEARING

A. ORDINANCE AMENDMENTS

Mark Hermodson moved that the following amendments be placed on the June 18, 2003 Area Plan Commission Public Hearing Agenda:

UZO AMENDMENT #35 and UZO AMENDMENT #38

Karl Rutherford seconded and the motion was carried by voice vote.

B. REZONING ACTIVITIES

Mark Hermodson moved that the following rezone petitions be placed on the June 18, 2003 Area Plan Commission Public Hearing Agenda:

Z-2118—MANDALAY DEVELOPMENT (ASHBURY VILLAS PLANNED DEVELOPMENT)(R3 & R1 TO PDRS)

Z-2124—MICHAEL A. DILLING (R2 TO NBU)

Z-2125—MANN PROPERTIES, LLP C/O TIM STEVENS (A TO R1B)

Z-2127—RONALD D. KOEHLER & CINDY KAY MARSH (R1 TO NB):

Z-2129—R. GREGG SUTTER (Abingdon Rural Estate)(AW TO RE)

Z-2130—CAYMAN PROPERTIES, LLC (I3 TO I2)

Z-2131—ABBINGTON DEVELOPMENT, LLC (LINDBERG VILLAGE PD)(R3 AND NB TO PDRS)

Z-2132—ABBINGTON DEVELOPMENT, LLC (NB TO GB)

Z-2133—O'MALLEY-WHITE DEVELOPMENT, INC. (NB TO GB)

Karl Rutherford seconded and the motion carried by voice vote.

C. SUBDIVISIONS

Mark Hermodson moved that the following subdivision petitions be placed on the June 18, 2003 Area Plan Commission Public Hearing Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-3316—LAKESHORE SUBDIVISION, PHASE 2 (MAJOR-PRELIMINARY)

S-3329—MARGARET CORNELL MINOR SUBDIVISION (MINOR-SKETCH)

S-3330—RASCAL COMMERCIAL SUBDIVISION, SECTION 1, REPLAT OF LOT 4 (MINOR-SKETCH)

S-3333—MITHOEFE SUBDIVISION (MINOR-SKETCH)

S-3334—ARBOR CHASE BY THE LAKE & THE VILLAS (MAJOR-PRELIMINARY)

S-3335—BAYWATER TOWNHOMES (MAJOR-PRELIMINARY)

S-3336—SHANGRILA SUBDIVISION (MAJOR-PRELIMINARY)

Karl Rutherford seconded and the motion carried by voice vote.

V. **REVIEW AND APPROVAL OF THE JUNE ABZA PUBLIC HEARING AGENDA**

Mark Hermodson moved to place the following petitions on the June 25, 2003 Area Board of Zoning Appeals Public Agenda.

BZA-1634-HAWKINS OUTDOOR; BZA-1640-REGINALD L. & LAURA J. ROY; BZA-1641-CHARLES R. & SUSAN G. CURTIS

Karl Rutherford seconded and the motion carried by voice vote.

Mark Hermodson moved that the following petitions for Special Exception do not substantially, adversely affect the Comprehensive Plan.

BZA-1640-REGINALD L. & LAURA J. ROY; BZA-1641-CHARLES R. & SUSAN G. CURTIS

Karl Rutherford seconded and the motion carried by voice vote.

VI. DETERMINATION OF VARIANCES

A. Lafayette Division of the Area Board of Zoning Appeals

Mark Hermodson moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute:

CASE #2003-19-AMERICAN PROPERTY SERVICES, LLC.

CASE #2003-20-WILLIAM C. BURNS

CASE #2003-21-BOILER EXPRESS, LLC & CUNNINGHAM ENTERPRISES, LLC

CASE #2003-22-JAMES A. & HOLLY N. CLARK

Karl Rutherford seconded and the motion carried by voice vote.

Mark Hermodson moved that with regard to the following petition, the sign ordinance be strictly adhered to:

CASE #2003-21-BOILER EXPRESS, LLC & CUNNINGHAM ENTERPRISES, LLC

Karl Rutherford seconded and the motion carried by voice vote.

VII. REVIEW AND APPROVAL OF THE MAY BUDGET REPORT

Mark Hermodson moved to accept the May 2003 Budget Report as submitted. Karl Rutherford seconded and the motion passed by voice vote.

VIII. OTHER BUSINESS

James Hawley reminded the Committee that June 10, 2003 at 2:00 pm the County Council will hear and vote on the request for funds to be appropriated to the APC. He reviewed the different purposes the funds will be used for. He asked that some of the Commissioners attend the meeting to support his presentation. He passed out a form showing the increased income generated from new filing fees and sales of the UZO and USO.

He requested permission to fill the vacant position of house numbering technician position. He explained that the job has been posted for 2 months and he found a qualified individual through the interview process. He stressed that the staff has been struggling to assign house numbers for individuals as well as all subdivision, construction and planned development plats without someone in that position.

Mark Hermodson moved to approve the hiring of a house numbering technician. Karl Rutherford seconded and the motion carried by voice vote.

James Hawley asked that the issue of allowing the Executive Director to hire certain positions without additional authorization be revisited at another meeting. He stated that more Commissioners should be present weigh in on this discussion.

IX. ADJOURNMENT

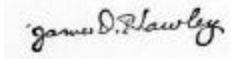
Mark Hermodson moved to adjourn the meeting. Karl Rutherford seconded and the motion carried by voice vote. The meeting adjourned at 5:00 P.M.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,

A handwritten signature in black ink, reading "James D. Hawley". The signature is written in a cursive style with a prominent "J" and "H".

James D. Hawley
Executive Director